

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

OSCAR HENRY BRANHAM,)	
)	
Petitioner,)	
)	
vs.)	No. CIV-10-601-C
)	
JANE STANDIFIRD, Warden)	
)	
Respondent.)	

ORDER ADOPTING REPORT AND RECOMMENDATION

Petitioner filed the present action pursuant to 28 U.S.C. § 2254 challenging the constitutionality of his state court convictions. Pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B), the matter was referred to United States Magistrate Judge Valerie Couch, who entered a Report and Recommendation (“R&R”) on July 29, 2011, recommending the Petition be denied. Petitioner has timely objected.* Petitioner also seeks leave to amend his Petition.

The substantive facts and law are accurately set out in Judge Couch’s R&R and there is no purpose to be served in repeating them yet again. As Judge Couch noted, Petitioner has failed to demonstrate and cannot demonstrate that the matters he challenges in this habeas action were decided in a manner that was contrary to or an unreasonable application of Supreme Court law. Accordingly, habeas relief is not warranted. To the extent Petitioner seeks leave to amend, the Court finds the amendments sought by Petitioner would be futile.

* To the extent Petitioner seeks an Order that his Objection was timely filed (Dkt. No. 47), that request is granted.

Each of the proposed amendments is either subsumed within the discussion and analysis in the R&R or fails to raise an issue demonstrating the action was contrary to or an unreasonable application of Supreme Court law.

As set forth more fully herein, the Court adopts, in full, the Report and Recommendation of the Magistrate Judge (Dkt. No. 42). Petitioner's "Motion for Leave to Supplement or Amend the Record with Brief Pursuant to Rules of Civil Procedure Rule 15(d) and 28 § 2242" (Dkt. No. 45) is DENIED. Likewise, Petitioner's "Motion for Leave to Supplement or Amend the Record with Brief Pursuant to Rules of Civil Procedure Rule 15(d) and 28 § 2242" (Dkt. No. 48) is DENIED. A separate judgment will issue.

IT IS SO ORDERED this 29th day of September, 2011.


ROBIN J. CAUTHRON
United States District Judge